

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**Case No.: 21-cv-12193
Hon: Matthew F. Leitman**

**ROBERT SAMUEL SHUMAKE, JR.,
WILLARD L. JACKSON,
NICOLE T. BIRCH,
420 REAL ESTATE, LLC,
VINCENT PETRESCU, and
TRUCROWD, INC. dba FUNDANA,**

Defendants.

NOTICE OF MOTION TO WITHDRAW AS COUNSEL

PLEASE TAKE NOTICE, that upon the annexed Declaration of Jonathan Uretsky and Memorandum of Law in Support, dated January 29, 2024, and upon all prior pleadings, Jonathan Uretsky and the PULLP law firm will move this Court before The Honorable Matthew F. Leitman, U.S. District Court Judge for the Eastern District of Michigan, via Zoom or at the Theodore Levin U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Michigan 48226, as soon as counsel can be heard, for an Order permitting counsel to withdraw from representation, and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that responsive papers, if any, must be served on the undersigned attorneys no later than twenty-one (21) days after service of this motion.

Dated: New York, New York
January 29, 2024

PULLP

Attorneys for Robert Samuel Shumake, Jr.

By: /s/ Jonathan Uretsky

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VIA ECF:

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and Exchange Commission*

VIA ECF

Judge Matthew F. Leitman
United States District Court for the Eastern District of Michigan
Theodore Levin United States Courthouse, Room 249
231 W. Lafayette Blvd., Detroit, MI 48226

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MEMORANDUM OF LAW IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

For the reasons set forth below, the undersigned counsel hereby moves this Honorable Court for an order allowing the undersigned to withdraw from representation of Defendant Robert Samuel Shumake Jr. Pursuant to Local Rule 7.1(a)(1), the undersigned sought and obtained concurrence to this motion from the Defendant and the Securities and Exchange Commission ("SEC").

There has been an irreconcilable breakdown in the attorney-client relationship due to the long-standing nonpayment of fees and expenses by Defendant. Pursuant to Michigan Rule of Professional Conduct 1.7(b), withdrawal is mandatory, and pursuant to Michigan Rule of Professional Conduct 1.16(b)(4) and 1.16(b)(5), withdrawal is permitted.

The last time Defendant made a payment to undersigned counsel was on April 27, 2022. As of May 27, 2022, to the current date, Defendant has a remaining balance of \$36,665 owed to the undersigned counsel. Furthermore, Defendant has been informed that he must cover expenses to comply with e-discovery requests made by the SEC. On several occasions, including February 20, 2023, October 24, 2023, November 30, 2023, and January 2nd, 2024, the undersigned discussed the outstanding balance with Defendant. Defendant stated that he would be able to make payments but has not done so. A third party was going to help, but funds from that source did not materialize. Most recently, Defendant expressed that he would be able to pay \$50,000 based on an unrelated trial on December 10, 2023. The promised \$50,000 never arrived. The undersigned counsel then informed Defendant that PULLP would have to withdraw if such payment was not received by the end of 2023. Pursuant to Local Rule 7.1(a)(1), the undersigned sought and obtained concurrence to this motion from Defendant on December 14, 2023, and payment did not follow. On January 2nd, Defendant confirmed he understood that PULLP's withdrawal was imminent and that he agreed to it given his inability to pay.

Michigan Rule of Professional Conduct 1.16 in relevant part states that a lawyer may withdraw when (4) "the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled" and (5) "the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client." Both provisions are applicable because Defendant has failed substantially to fulfill his payment obligation to the undersigned and has been given reasonable warning that the undersigned will withdraw in the absence of such payment. Similarly, the undersigned has dealt with the financial burden of being

uncompensated for legal services for over eighteen months. Further, the undersigned will need to comply with SEC discovery requests if the representation continues, which will impose an unreasonable financial burden by forcing the undersigned to shoulder the costs of e-discovery. Lastly, Michigan Rule of Professional Conduct 1.7(b) states in relevant part, "A lawyer shall not represent a client if the representation of that client will be materially limited by... the lawyer's own interest." Due to the ongoing financial strain of this representation, the undersigned believes that the ability to effectively represent Defendant is irreparably harmed. Communication is not on the level it once was, making representation more difficult.

WHEREFORE, because there has been an irreconcilable breakdown in the attorney-client relationship between the undersigned and Mr. Shumake, and because Michigan Rule of Professional Conduct 1.7(b)(2) mandates counsel's withdrawal, and Michigan Rule of Professional Conduct 1.16(b)(4) and 1.16(b)(5) permits counsel's withdrawal, the undersigned respectfully requests that this Honorable Court enter an order permitting counsel from any further representation of Mr. Shumake in the above-captioned case.

Respectfully submitted,

Dated: January 29, 2024

PULLP

By: _____



Jon Uretsky Esq.

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